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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/708,923 | 11/08/2000 | Joshua Makower | TRNSV-001C | 2656 |
| 33197 | 7590 | 11/25/2005 | EXAMINER | |
| STOUT, UXA, BUYAN & MULLINS LLP 4 VENTURE, SUITE 300 IRVINE, CA 92618 | | | ISABELLA, DAVID J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3738 | |

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SUPPLEMENTAL
Notice of Allowability

| | | |
|-------------------|----------------|--|
| Application No. | Applicant(s) | |
| 09/708,923 | MAKOWER ET AL. | |
| Examiner | Art Unit | |
| DAVID J. ISABELLA | 3738 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/9/2005.
2. ☒ The allowed claim(s) is/are 1-29 and 31-67.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date <u>7/2/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Supplemental Examiner's Amendment

An examiner's amendment to the record appears below.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Robert Buyan on 11/9/2005.

Amendments to the Specification:

- Please delete the first two full paragraphs on Page 22, as follows:

~~Figure 8i is a longitudinal sectional view of a ninth embodiment of an apparatus for modifying an interstitial passageway formed in accordance with the present invention.~~

~~Figure 8j is a longitudinal sectional view of a tenth embodiment of an apparatus for modifying an interstitial passageway formed in accordance with the present invention.~~

- Please amend the second, third and fourth paragraphs of Page 24 as follows:

FIG. 11b is a partial longitudinal sectional view through a distal portion of the second embodiment of the transvascular tissue-penetrating catheter device of the present invention during a first stage of a tissue-penetrating procedure.

~~FIG. 11c is a longitudinal section showing of the device of FIG. 11b during a first stage of a tissue-penetrating procedure.~~

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FIG. 11c is a longitudinal section showing of the device of FIG. 11b during a second stage of a tissue-penetrating procedure.

- Please add the following new paragraphs immediately above the heading "Detailed Description of the Preferred Embodiments" on Page 24:


FIGS. 12a-d is a step-by-step illustration of the first embodiment of the tissue penetrating catheter device and system 100p shown in FIGS. 10-19c'" within a body lumen.

FIGS. 13a-e is a step-by-step illustration of the second embodiment of the passageway forming catheter device and system 100p' with a body lumen.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID J. ISABELLA whose telephone number is 571-272-4749. The examiner can normally be reached on MONDAY-FRIDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CORRINE MCDERMOTT can be reached on 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DAVID J ISABELLA
Primary Examiner
Art Unit 3738

DJI
11/15/2005